



211 IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-247-2024
Date of decision: 29th May, 2024

Fakir Chand
...Petitioner(s)
Versus
State of Haryana
...Respondent(s)

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Aditya Sanghi, Advocate for the petitioner.
Mr. Neeraj Poswal, AAG, Haryana.

MANISHA BATRA, J (ORAL):-

The present petition has been filed under Section 439 of Cr.P.C.
seeking regular bail in FIR mentioned below:-

FIR No.	Date	Police Station	Sections
268	30.07.021	Sadar Dabwali, District Sirsa, Haryana	304-B/34/302 of IPC, 1860

2. Brief facts of the case relevant for the purpose of disposal of the present petition are that the aforementioned FIR was registered on the basis of statement recorded by complainant Jeet Ram alleging therein that his elder daughter Mamta was married with the petitioner, whereas, his younger daughter Poonam was married with brother of the petitioner on 19.12.2020. He had given dowry beyo`nd his means. The petitioner and his family members were not satisfied with the dowry so given and soon after the marriage, they started harassing Mamta on account of bringing insufficient



dowry. They raised demand of motorcycle. Panchayat meetings were also convened in this regard about one month back and the complainant with the intervention of the panchayat and to settle his daughter in her matrimonial home had sent her back with the petitioner but the behaviour of the petitioner and his family members continued to be the same. On 28.07.2021, he had brought the victim to his house at village Khera but the petitioner forcibly took her back on 29.07.2021, despite the fact that she was not willing to go. On 30.07.2021, he received the news about the death of his daughter and on reaching at her matrimonial house, he found the dead body of his daughter lying on a cot. He raised suspicion that the petitioner in connivance with his family members killed his daughter by strangulated her. A case under Section 304-B read with Section 34 of IPC was registered. Investigation proceedings were initiated. Post-mortem examination of dead body and inquest proceedings were conducted. The petitioner was arrested on 02.08.2021. He suffered disclosure statement to the effect that on 30.07.2021, a quarrel had taken place between him and his wife on account of non-fulfillment of his demand of motorcycle and out of anger, he had prepared a knot with rope and put the same in the neck of his wife and then his family members along with him had hanged the said rope on the girder of the roof due to which the victim had died and thereafter, they made her body lie down on a cot and informed her family members that the victim had committed suicide. After completion of necessary investigation and usual formalities, challan under Section 173 of Cr.P.C. was presented in the Court



against the petitioner and presently, he is facing trial for the commission of offence punishable under Sections 304-B and alternatively under Section 302 of IPC. The petitioner had moved an application for grant of regular bail before the Court of learned Additional Sessions Judge, Fast Track Special Court, Sirsa, which was dismissed vide order dated 03.11.2023.

3. The present petition has been filed by the petitioner on the grounds and it is argued by his counsel that he has been falsely implicated in this case. He is in custody since 02.08.2021. The trial is likely to take time. The material witnesses including the complainant are not coming forward to record their statements. His further detention would not serve any useful purpose. Vague allegations have been levelled against him. Though allegations had been levelled against his family members as well but the same were found to be false during investigation and they have not been arrested and challaned. Even the application filed under Section 319 of Cr.P.c. for summoning them as additional accused had been dismissed and revision against the dismissal order also stands dismissed, thereby showing the falsity of the version of the prosecution. With these broad submissions, it is urged that the petition deserves to be allowed and the petitioner deserves to be released on bail.

4. Status report has been filed by learned State counsel. It is argued by learned State counsel that there are serious and specific allegations against the petitioner. The victim had died within a period of seven and half of months of her marriage with the petitioner. The petitioner



has been charge-sheeted not only for commission of offence punishable under Section 304-B but alternatively under Section 302 of IPC also. There is a presumption under Section 113-B of IPC that the victim died a dowry death as soon before her death demand of motorcycle is admitted to be raised by the petitioner in his confessional statement. There is nothing on record to show that there would be any undue delay in conclusion of the trial. Therefore, it is argued that the petition does not deserve to be allowed.

5. I have heard learned counsel for the petitioner as well as learned State counsel at considerable length and have gone through the record carefully.

6. The victim-Mamta who was the daughter of the complainant and was married with the petitioner on 19.12.2022 died under unnatural circumstances at her matrimonial home on 30.07.2021 i.e. within a period of eight months of her marriage with the petitioner. There are specific allegations that the petitioner and his family had been harassing her on account of demand of dowry. The petitioner has also been alternatively charge-sheeted under Section 302 of IPC apart from the charge under Section 304-B of IPC being framed against him. Simply because of the fact that other members of the family of the petitioner have been found innocent and have not been summoned as additional accused, no conclusion as to innocence of the petitioner can be drawn at this stage. The allegations against the petitioner are serious in nature. Keeping in view the gravity of allegations so levelled, the quantum of sentence which the conviction may



entail and the attendant facts and circumstances but without meaning to make any comment on the merits thereof, I am inclined to hold that the petition does not deserve to be allowed. Accordingly, the same is dismissed.

8. Since the main petition has been dismissed, pending application if any is rendered infructuous.

[MANISHA BATRA]
JUDGE

29th May, 2024
Parveen Sharma

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| 1. Whether speaking/ reasoned | : | Yes |
| 2. Whether reportable | : | Yes |